

APPROVED

**TOWN OF WESTFORD**

**BOARD OF SELECTMEN**

**MINUTES**

**DATE:** April 1, 2003

**TIME:** 7:30 P.M.

**PLACE:** J.V. Fletcher Library

**PRESENT:** Dini Healy-Coffin, Chris Romeo, Robert Jefferies,  
Allan Loiselle

**OTHERS**

**PRESENT:** Steve Ledoux-Town Manager, Norman Khumalo-  
Assistant Town Manager/Land Use Director,  
Audience Members

**Open Forum**

Mary Caless, 70 Beaver Brook Road, was concerned with the power outage on Friday, March 28<sup>th</sup> which occurred on Town Farm Road and impacted several homes and schools. Caless stated that Mass Electric should take care of the people who do not have water when the electricity is out. Caless felt that the transformer problem was caused by lack of maintenance. Caless urged the Board to review the regulations regarding electricity and invite Mass Electric to a future meeting for a discussion. Ledoux announced that a meeting was scheduled for Monday, April 7, 2003 with Mass Electric and the Fire Chief to address several concerns.

Mary Sawosik, 27 Forge Village Road, member of the Senior Citizen Tax Relief Committee, asked the Board to reconsider their vote of March 25, 2003 to dismiss Article 16 (New Senior Citizen Property Tax Exemption/Council on Aging). Healy-Coffin stated that the Board voted to not include this article on the warrant based upon information from the Assessor's office. That information appeared to be a large financial burden at this time. The Board was concerned with the lack of information regarding the exact impact of the article

and how to make up the loss of revenue. Ledoux pointed out that the numbers provided by the Assessor's Office and the Director of Council on Aging differed. Ledoux recommended that the Board get consensus of the data and revisit this in the fall. Sawosik outlined the proposed article. Romeo asked Sawosik to ask the Committee to meet with the Finance Director and/or the Assessor's and come up with reliable data regarding the tax impact from now into the future. Healy-Coffin stated that the Board is not reconsidering the article at this point and suggested that the Committee compile data and put a discussion item on a future agenda.

Charlie Rusman, 9 Timberlee Lane, pointed out that three weeks ago the Board voted in favor of additional funds for various put back items to be rolled into the budget for discussion with the Finance Committee. Rusman asked for an explanation as to why this did not happen. Healy-Coffin stated that the Town Manager's recommended budget will be presented at Town Meeting. The Finance Committee supports most of Ledoux's budget with a few changes they made. Healy-Coffin announced that Senator Panagiotakos and Rep. Hall will be at the April 8<sup>th</sup> meeting for a discussion. Healy-Coffin read a letter from John Rogers, Chairman of the House Ways and Means Committee and Therese Murray, Chairwoman of the Senate Ways and Means Committee, dated March 24, 2003, offering guidelines for budget preparation in an effort to prepare cities and towns for deep cuts (15-20%) in lottery local aid, additional assistance and Chapter 70 for fiscal year 2004. Healy-Coffin urged taxpayers to be patient and to put pressure on Governor Romney and the legislature. Healy-Coffin hoped to have a better idea of the impact next week after hearing from Senator Panagiotakos and Rep. Hall. Ledoux announced that the House Ways and Means Committee will be releasing their budget on April 23, 2003. Rusman was concerned that the Town will not know the cuts from the State by the time of Town Meeting. Rusman asked the Board to try to find a way to work through any amendments to the budget as clearly as possible so as not to confuse the voters. Healy-Coffin stated that the Board will continue to educate the taxpayers. Liz Adams, Chairman of the Finance Committee, presented the Finance Committee's operating budget recommendation of \$69,642,338, which includes a level funded school budget. The Finance Committee also recommended an increase in the Nashoba Valley Technical High School assessment. Adams stated that the Finance Committee is continuing discussions on the capital budget.

### **Further Discussion on Brookside Mill**

At the meeting of March 25<sup>th</sup> the Board requested that Ledoux research the investor, C Core, with Dun & Bradstreet. Ledoux reported that the Dun & Bradstreet report did not reveal much information due to the formation of C Core last year. Ledoux further reported that Gerry Boucher, Brookside Mill LLC, shared some financial information with him. Ledoux felt secure in C Core assisting Boucher financially. Ledoux also reported on a meeting held with Rita Farrell of Mass Housing, Christine Pude Director of the Housing Authority, Attorney Suzanne Poitras, Khumalo and Ledoux for a review of the HOME

application. Poitras will hand deliver the application to the State next week. Loisele noted that in giving up the Right of Reverter the Town loses leverage. Loisele suggested extending the Right of Reverter by six months rather than a year. Romeo stated that the Right of Reverter is subordinate to any bank financing. Romeo stated that he met with Boucher and was informed that Boucher did not need the

Selectmen to extend the Right of Reverter because it is subordinated. Romeo asked if there were any requirements from the HOME program that would cause the Board to have to push back the Right of Reverter. Ledoux stated that Farrell did not bring any requirements to his attention. Romeo was concerned that there were no mechanisms within Westford to monitor affordable housing portions once the project comes on line that are deemed affordable by DHCD. Ledoux stated that Farrell wants to see the condominium fees by next week to make sure the affordable component is not lost. Romeo stated that affirmative steps are needed by the developer to ensure affordability in the Right of Reverter. It was moved by Loiselle, seconded by Romeo, and VOTED UNANIMOUSLY, to extend the Right of Reverter six (6) months to June 2004 and as a condition that Brookside Mill LLC will agree to take all affirmative and necessary steps to ensure that the eight (8) units are designated affordable under the guidelines of DHCD.

### **Further Discussion on Nashoba Valley Ski Area to Alter Premises for Liquor License for Outlook Restaurant**

Continued from March 25, 2003. The Board had requested research into the legality and method of licensing. Attorney Douglas Deschenes referenced a letter from his associate, Julie McNeill, outlining her conversation with Tim Hooton, investigator with the Alcoholic Beverages Control Commission (ABCC). According to Hooton to expand the Nashoba Valley Ski Area's liquor license to include the newly built lodge, a change is needed in the description of the existing license, not a new license. This is because the ski lodge is part of the facility with the existing license and under the same ownership and control as that facility. Healy-Coffin asked Deschenes to provide a letter from the ABCC for the record. Deschenes to submit a copy of the pertinent law. It was moved by Romeo, seconded by Loiselle, and VOTED UNANIMOUSLY, to approve contingent upon satisfactory demonstration of ABCC's opinion.

### **Selectmen to Commence Taking Positions on Annual Town Meeting Warrant Articles**

#### **ARTICLE 5: Appropriation for Freshman Sports at Westford Academy/By Petition**

Petitioners for Article 5 were not present. Romeo questioned the legality of this article. Ellen Harde, Town Moderator, stated that it is up to the School Committee and Town Meeting to come to a consensus of exactly what the vote means on May 10<sup>th</sup>. Harde also stated that a motion under the petition article is appropriate.

#### **ARTICLE 18: Scenic Bylaw/By Petition**

Larry Gormley, 242 Concord Road, was present representing neighbors concerned with traffic impacts associated with the proposed Westford Tech Park West development on Littleton Road. Gormley proposed designating Concord Road a Scenic Road in an effort to try to manage the negative impacts from the development. Gormley expressed concerns regarding the infrastructure of Westford's roads, safety issues and the impact on the character of the bordering neighborhoods. Gormley noted that Concord Road is state numbered and cannot be designated as scenic. Gormley has contacted Rep. Hall for assistance. Gormley stated that they would still like to bring the petition before the Planning Board to explain what they are trying to do. Ledoux stated that the Board will

refer all pertinent articles to the Planning Board for public hearings. Gormley stated that they are working on a draft resolution for Town Meeting which addresses some of the issues. Lauren Coffee, 178 Concord Road, stated that she received a copy of the Mass General Laws from Khumalo and contacted Rep. Hall and Senator Panagiotakos regarding other designations that might be proper for this roadway. Coffee stated that one reason they are bringing this forward is due to the proposed Route 224 bypass road. Coffee felt that the Scenic Bylaw would allow more opportunity for the residents to provide input regarding the removal of trees or stonewalls. Coffee felt that there has not been enough public input regarding the bypass road. Jefferies disagreed and pointed out that there have been several public hearings with the Planning Board and the Board of Selectmen. Jefferies stated that prior to the development plans the Town had meetings regarding alternatives to solve the dangerousness of the intersection. Ellen Mondro, 13 Steeple Chase Circle, stated that she was not informed about last night's Planning Board meeting. Khumalo explained that the Planning Board held a special meeting for board members and the contact person for the neighborhood group. Healy-Coffin suggested that Mondro contact the Planning Office and ask to be added to the mailing list. Coffee stated that she was contacted by a Planning Board member regarding the meeting. Coffee stated that the neighbors were not contacted either by telephone or e-mail. Khumalo stated that he would ask Tim Greenhill, Town Planner, to contact residents about meetings in a timely manner.

ARTICLE 17: Amendment to Chapter 1 Section 1.4 of General Bylaws/Conservation Commission

Bill Turner, Conservation Coordinator, addressed the need to update the General Bylaws and increase fine amounts. Jefferies pointed out that the fines are the same for a minor or major wetlands violation. Turner stated that he has been working with Town Counsel regarding discretion by the Conservation Commission on fines. Turner stated that he would get clarification from Town Counsel regarding flexibility of the fines. Turner explained the process followed by the Commission and/or its agent relative to wetlands violations.

**Motion to Send Articles to Planning Board for Public Hearing:**

**Article 18: Scenic Bylaw;**

**Article 20: Change of Zoning Classification;**

**Article 21: Amendment to Zoning Bylaws/Table of Dimensional and Density;**

**Article 22: Amendment to Zoning Bylaw and Map;**

**Article 23: Amendment to Zoning Bylaw;**

**Article 24: Amendment to Zoning Bylaw.**

It was moved by Romeo, seconded by Jefferies, and VOTED UNANIMOUSLY, to send Articles 18, 20, 21, 22, 23 and 24 to the Planning Board for public hearing.

The Board to take position on Article 4: Fiscal Year 2004 Operating Budget on April 29<sup>th</sup> and will take position on remaining articles at the next meeting.

**Selectmen to Set Special Town Meeting Warrant**  
**Discussion on Rezoning for:**

**1) Article 20; 2 & 4 Prescott Street; Assessors Map 57, Parcels 105 and 106 Mannone, Francis A., SPINNERS INC.**

**2) Articles 23 & 24; 90 Tyngsborough Road; Assessors Map 47, Parcel 13; Warchol, Edward**

**3) Article # to be assigned; Assessor's Map 11, Parcel 90 SINWM ASSOCIATES**

Ellen Harde, Town Moderator, suggested that instead of having a Special Town Meeting, the above articles be added to the Annual Town Meeting warrant because the warrant has not been signed yet. Ledoux concurred. Khumalo made a presentation regarding the proposed gifts of land to the Town from Chiafaro, Gutierrez and SINWN in association with the proposed Route 225 bypass road. Khumalo also pointed out the location for the proposed rezoning of a portion of land owned by Chiafaro Company and SINWN Associates from Industrial Highway to Commercial Highway. The transfer of land will be at no charge to the Town. Khumalo stated that the Town needs to define a mechanism for acceptance of land gifts. Khumalo reported that the Planning Board has directed Staff to do further research on this work to be presented at Town Meeting. The Planning Board to hold a public hearing regarding this matter. It was moved by Jefferies, seconded by Loiselle, and VOTED UNANIMOUSLY, to reconsider closing of the warrant. It was moved by Jefferies, seconded by Romeo, and VOTED UNANIMOUSLY, to add three (3) articles for a land swaps, one from Chiafaro, one from Gutierrez and one from SINWN and add an article to rezone the newly consolidated parcel for SINWN Associates. It was moved by Jefferies, seconded by Loiselle, and VOTED UNANIMOUSLY, to close the warrant. It was moved by Jefferies, seconded by Loiselle, and VOTED UNANIMOUSLY, to refer the four (4) newly created articles to the Planning Board for public hearing.

### **Old/New Business**

**Hiring Freeze – Permitting Office Manager** – Ledoux reported that the Board recently voted to lift the hiring freeze for an internal posting. Candidate Bob Williams has decided to pursue a job in the private sector. Ledoux asked the Board to lift the hiring freeze for an external posting. It was moved by Romeo, seconded by Jefferies, and VOTED UNANIMOUSLY, to lift the hiring freeze for the Permitting Office Manager for an external posting. Loiselle asked Ledoux to conduct exit interviews for those employees leaving their positions. Ledoux stated that exit interviews are being conducted.

**Sale of Land to Walter Nyder, 82 Graniteville Road** – Ledoux clarified that Nyder has offered the Town \$50.00 to purchase Parcel A on Graniteville Road for his septic system. It was previously reported that Nyder had offered \$500.00 for the land. It was moved by Loiselle, seconded by Romeo, and VOTED UNANIMOUSLY, to accept \$50.00 (for the land).

### **Acceptance of Gift from Mass Electric to Conservation Commission –**

Ledoux reported that the Board had previously voted to accept a gift from Mass Electric to the Conservation Commission. Ledoux asked the Board to sign the acceptance. The Board questioned whether this needed a vote of Town Meeting. Ledoux to research. The Board to take action on April 8<sup>th</sup>.

### **Open Items**

- 4/1-1 Board to discuss Sr. Tax Committee article at a future meeting.
- 4/1-2 Board to take position on articles at next meeting.
- 4/1-3 Board to take position on Article 4 on April 24<sup>th</sup>.
- 4/1-4 Ledoux to research re: Town Meeting vote needed for acceptance of gift from Mass Electric to ConsCom. Board to take action on April 8<sup>th</sup>.

### **Adjournment**

It was moved by Loiselle, seconded by Romeo, and VOTED UNANIMOUSLY, to adjourn the meeting at 9:50 p.m.

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Steve Ledoux, Town Manager

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Dini Healy-Coffin, Chairman